

17-888 M (N)

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

**IN THE MATTER OF THE
ADMINISTRATIVE INSPECTION OF:**

CONTAINER LIFE CYCLE MANAGEMENT,
3950 SOUTH PENNSYLVANIA AVENUE,
ST. FRANCIS, WISCONSIN, 53235

U.S. District Court
Eastern District of Wis. } ss
I hereby certify that this is a
true and correct copy of the original
now remaining of record in my
office.

NANCY JOSEPH
U.S. Magistrate Judge
DATED: 5/2/17
By: CC
By: Deputy Clerk

***EX PARTE* ADMINISTRATIVE WARRANT
FOR ENTRY, INSPECTION, AND SAMPLING**

**TO: ROBERT KAPLAN, ACT REGIONAL ADMINISTRATOR, ENVIRONMENTAL
PROTECTION AGENCY, REGION 5, AND ANY DULY DESIGNATED EMPLOYEES
OR REPRESENTATIVES OF THE ENVIRONMENTAL PROTECTION AGENCY**

Proper application has been made pursuant to the Section 3007(a) Resource Conservation and Recovery Act, 42 U.S.C. § 6927(a) ("RCRA") and Section 114(a) of the Clean Air Act, 42 U.S.C. § 7414(a) ("CAA"), for an administrative warrant to enter, and conduct an investigation and environmental sampling to assess compliance with RCRA and CAA, at the property located at 3950 South Pennsylvania Avenue, St. Francis, Wisconsin, 53235, (the "facility"), and which is operated by Container Life Cycle Management ("CLCM").

Based on the government's Application for *Ex Parte* Administrative Warrants and the Declaration of Brenda Whitney and all the attachments thereto, the Court finds that the United States has established probable cause for the issuance of the requested administrative warrant to the Environmental Protection Agency and its employees and authorized representatives, including employees of the Wisconsin Department of Natural Resources, to enter the facility and conduct inspection activities required and necessary to determine if CLCM has complied with applicable RCRA and CAA requirements at the facility.

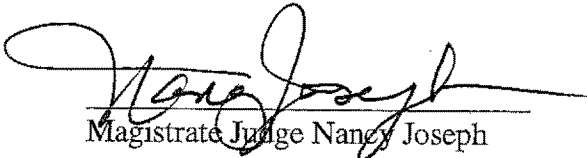
Therefore, pursuant to Sections 6927(a) and 7414(a) of Title 42 of the United States Code, you are hereby authorized to enter the facility during ordinary business hours within reasonable limits and to inspect in a reasonable manner the operations, equipment, containers, and environmental media present at the facility, as well as any records, files, and documents required to be made, kept, and maintained at the facility under RCRA and CAA.

You are further authorized to take environmental samples at the facility, including samples of chemical residues present in any containers at the facility to assess compliance with RCRA as well as air samples and monitoring data at the facility to assess compliance with CAA.

Entry onto the facility for the above purposes shall be completed within two months from the date this warrant is issued. Following completion of the inspection and sampling authorized by this warrant, the inspecting officers shall make a prompt return to the undersigned Magistrate Judge, showing that the inspection has been completed and accounting for any environmental samples obtained. If EPA requires additional time to complete the inspection and sampling activities at the facility, EPA will seek an extension of this warrant from the Court.

A copy of this warrant shall be provided to representatives of CLCM at the time the inspection commences. The United States Marshal is hereby authorized and directed to assist representatives of the EPA in such manner as reasonably may be necessary and required to execute this warrant and the provisions contained herein, including, but not limited to, gaining entry upon the premises, the inspection and photography thereof, and the collection of samples from the premises.

Dated this 2nd day of May, 2017.


Magistrate Judge Nancy Joseph